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Attorneys for Defendant Gridiron Capital, LLC

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY**

THE HOMESOURCE, CORP.

Plaintiff,

v.

RETAILER WEB SERVICES, LLC,
 RETAILER WEB SERVICES II, LLC,
 NATIONWIDE MARKETING GROUP,
 LLC, GRIDIRON CAPITAL, LLC, and
 JOHN DOES,

Defendants.

Case No. 1:18-cv-11970

Hon. Eduardo C. Robreno (EDPA)

Hon. Ann Marie Donio

Motion Day: December 21, 2020

**GRIDIRON CAPITAL, LLC'S MEMORANDUM OF LAW IN OPPOSITION TO
 PLAINTIFF THE HOMESOURCE, CORP.'S MOTION TO AMEND
 THE COURT'S ORDER OF OCTOBER 19, 2020**

Defendant Gridiron Capital, LLC (“Gridiron”) opposes HomeSource’s Motion to Amend the Court’s Order of October 19, 2020 (the “Motion”). Due to the overlapping issues and applicable law, and in the interests of judicial economy, Gridiron hereby fully incorporates and adopts as its own Defendant Nationwide Marketing Group, LLC’s (“Nationwide”) Memorandum of Law in Opposition (the “Opposition”) to the Motion.

In addition to all the reasons outlined in the Opposition for why HomeSource’s Motion should be broadly denied, Gridiron briefly emphasizes herein why the Motion does not even attempt to demonstrate HomeSource’s right to relief as to Gridiron specifically.

In short, the Motion fails to address any issues specific to Gridiron at all. The Motion does not reference the prospect of HomeSource bringing any of its claims either in Delaware, Gridiron’s state of incorporation, or in Connecticut, Gridiron’s principal place of business. Nor does the Motion discuss the relevant statutes of limitations in either jurisdiction with respect to HomeSource’s purported claims against Gridiron or whether these statutes of limitations have even expired. And as noted in the Opposition, HomeSource does not suggest in any way that Gridiron had any role in the alleged discovery delays upon which HomeSource purports to excuse its delay in failing to bring suit in the appropriate forum. Taken together—and notwithstanding that this Court is not the proper forum for this Motion—HomeSource entirely fails to explain why or how the equitable tolling relief it now seeks is appropriate or applicable with respect to Gridiron at all.¹

Thus, for the reasons stated above and in Nationwide’s Opposition, HomeSource’s Motion to Amend the Court’s Order of October 19, 2020 should be denied.

¹ Gridiron notes further that pursuant to Local Rule 7.1(d)(3), HomeSource may not file a reply brief in support of this Motion “unless permitted by the Court.”

DATED: December 7, 2020

Respectfully submitted,

ROPES & GRAY LLP

s/ Cassandra B. Roth

Cassandra B. Roth

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CERTIFICATE OF SERVICE

CASSANDRA B. ROTH hereby certifies as follows:

On December 7, 2020, I caused the foregoing to be electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/ Cassandra B. Roth
CASSANDRA B. ROTH